

00107

1 A It was all according. Sometimes you  
2 couldn't get it out and you worked harder to get it  
3 out.

4 Q What type of tool did you use to remove  
5 the old packing?

6 A You would have a screw type of tool, with  
7 a handle. And you put it in the packing and try to  
8 pull it out. Sometimes it would tear. And you would  
9 just keep working at it.

10 Q Once you removed the old packing, would  
11 you then install the new packing?

12 A After you cleaned the shaft, you would  
13 put in the new packing. You would inspect the shaft  
14 and make sure there is no burrs or anything.

15 Q Do you believe you were exposed to  
16 asbestos from cleaning the shaft and inspecting the  
17 shaft?

18 A No. Once the packing was out, I don't  
19 think so.

20 Q Okay. With respect to the new packing,  
21 do you know the brand name or manufacturer of the new  
22 packing material you installed?

23 A No.

24 Q Was that also the same color, the new  
25 packing, as the old packing or did it look

00108

1 differently.

2 A Well, the other one was used. And it was

3 greasy and everything else. I don't know.

4 Q Where would you obtain this new material?

5 A What?

6 Q Where would you obtain the new packing

7 material from?

8 A The tool room.

9 Q Would you just go and get it or would you

10 bring an invoice for the new parking material?

11 A No. You would just go there and say, you

12 know, the pump needs packing and we need packing.

13 And the guy would say what pump. And you tell him.

14 And then he would bring the packing for that pump.

15 Q Would you be able to give me a range of

16 the sizes of the pumps that you were installing this

17 packing on and removing it, just at this particular

18 site?

19 A If I had to say, probably, you know,

20 maybe three or four feet in length. And it would

21 stand up about maybe about three feet. I guess it

22 was longer than it was higher.

23 Q Now, you mentioned something about

24 replacing gaskets. Where would you replace gaskets?

25 A On flanges.

00109

1 Q Associated with what equipment, the  
2 pumps?

3 A The pumps, yeah, the piping on the  
4 flanges. You would have to break the flange. And  
5 you can't put the old one back on. So, you put a new  
6 one on.

7 Q How do you believe you were exposed to  
8 asbestos from the gasket work that you did?

9 A Well, they were torn and just from  
10 installing it.

11 Q Did you have to remove old gaskets?

12 A Oh, yeah.

13 Q Do you know the brand name or  
14 manufacturer of the old gaskets that you removed?

15 A No.

16 Q How long did it take you to remove the  
17 old gaskets?

18 A It was all according. Sometimes, they  
19 would come right off. Other times you had to scrape  
20 them off.

21 Q What tool would you use?

22 A A scraper, a paint scraper.

23 Q What did these old gaskets look like?

24 A They looked like the new ones, but they  
25 were worn.

00110

1 Q Do you know the brand name or

2 manufacturer of the new gaskets?

3 A No.

4 Q Can you describe for me what the new

5 gaskets looked like? Were they preformed?

6 A Yeah. And they had holes in them for the

7 flanges. And they would come in different sizes,

8 various sizes.

9 Q And would you also get these gaskets from

10 the tool room?

11 A Yes.

12 Q Aside from the work we just spoke about

13 on the packing and the gaskets, is there any other

14 way you believe you may have been exposed to

15 asbestos, while at Barry Bay?

16 A There is always piping around.

17 Q Okay.

18 A Which is covered. And sometimes, we had

19 to -- no, I guess that's about it.

20 Q With respect to that piping that was

21 always around, what was that covered with?

22 A Like I said, it was different colors, at

23 different times. It would be asbestos. They would

24 paint it. Sometimes it would be green, maybe another

25 time it would be gray.

00111

1 Q And would that asbestos fall off the old  
2 pipes, while you were in the facility?

3 A Not unless it was damaged.

4 Q Do you recall at times it being damaged  
5 and falling off?

6 A Like I said, you would come in with  
7 moving equipment. And it was very easy to hit  
8 something. And you just go on.

9 Q Would that often happen?

10 A It happens enough, yeah.

11 Q Did you ever wear a mask or a respirator,  
12 while you were at Barry Bay?

13 A No. Only maybe a mask, when we were in  
14 the digester.

15 Q What is that?

16 A A digester.

17 Q What is a digester?

18 A A digester holds the sludge. It  
19 eventually ends up on a ship. And they take it out.  
20 It's the waste. And they had to clean the tanks,  
21 once in a while. We had to go in there with a fire.

22 Q Do you believe you were exposed to  
23 asbestos, from the time that you spent in the  
24 digester?

25 A Only handling the fire hose, if that's



00112

1 anything.

2 Q Do you know the brand name or  
3 manufacturer of the fire hose?

4 A No. I never even gave it a thought.

5 Q Am I correct that you don't know the  
6 brand name or manufacturer of the pumps at Barry Bay?

7 A Oh, yeah. I couldn't guess at what it  
8 was.

9 Q Can you tell me anything about the pumps,  
10 the model number?

11 A The pumps are different. I really don't  
12 have any recollection of, you know, what pumps they  
13 were.

14 Q Okay.

15 A They were mostly piston pumps.

16 Q Okay.

17 A That's for the sludge. And there is  
18 centrifugal pumps. I don't remember the names.

19 Q What was the function of these pumps?

20 A Well, usually, to move water around,  
21 sludge around or the hot water heater.

22 Q Was that for the heater itself?

23 A Yes. All the plants have the same type  
24 of equipment, but they are different. You see, like  
25 -- at Jamaica, they had like a rotary engine. The

00113

1 other times, they had a different engine, you know,

2 pistons. They are all different.

3 Q Okay, before we get to Jamaica, do you  
4 remember any of your colleagues from 26th Ward?

5 A No. That's going way back. The one that  
6 I knew at that time, he is gone.

7 Q Okay. Now let's move on to your time at  
8 Jamaica. You said you were there for a little while.  
9 And they were going to renovate it. And you went to  
10 Barry Bay. And then you went back to Jamaica; is  
11 that correct?

12 A The boss called me back.

13 Q Okay. Do you remember any of your  
14 colleagues from Jamaica?

15 A Well, I didn't mention that. I mentioned  
16 Tony Caposie and Bob Gregridge.

17 Q Aside from those --

18 A I don't know if they are gone.

19 Q Who did you report to daily at Jamaica?

20 A It was Mr. Glaser. At one time, it was  
21 Mr. Torre, after Mr. Glaser left.

22 Q Do you know if either of them are living  
23 or deceased?

24 A I don't know.

25 Q Do you know, if either of them are



00114

1 living, where they would be residing?

2 A I don't know. The only people I keep in

3 touch with are people where I retired.

4 Q Okay. And are any of those people from

5 any particular sewage treatment plant?

6 A Excuse me?

7 Q The people that you keep in touch with,

8 are those people that you worked with at the sewage

9 treatment plant?

10 A Those people?

11 Q Yes.

12 A The people I worked with.

13 Q That you keep in touch with?

14 A Yes.

15 Q Who are those people?

16 A Richard Neibergall.

17 Q Can you spell that?

18 A N-E-I-B-E-R-G-A-L-L.

19 Q Okay.

20 A Barry Lyndon, Jay Novagar, Dave Walsh. I

21 can give you a list of names. I don't have them

22 right here in my head. Those were only a few names.

23 Q Okay. Do you keep in touch with these

24 people on a regular basis?

25 A Neibergall, I talk to a lot.

00115

1 Q Where does he live?

2 A Whitestone.

3 Q What about Barry?

4 A Barry, I talk to occasionally.

5 Q And where does he live?

6 A He's in Queens.

7 Q What about Jay?

8 A Jay, yes, a little.

9 Q Where does he live?

10 A I believe he's in Queens also.

11 Q What about Dave?

12 A Dave Walsh lives in Farmingdale. I

13 occasionally bump into him.

14 Q Do you know if any of these gentlemen

15 have an asbestos-related lawsuit?

16 A No.

17 Q What were your duties at Jamaica?

18 A My duties in Jamaica, the same as my

19 duties were at Pennsylvania Avenue. If I was on the

20 day shift, it was repairing or doing operations. And

21 on the night shift, it was usually operations.

22 MS. DeMARIO: Will you please read back

23 that answer?

24 (Whereupon, the requested testimony was

25 read back.)

00116

1 Q Sir, if at any time, during the course of  
2 your testimony, you remember any of the other  
3 gentlemen's names that you keep in touch with, can  
4 you just let me know so we can fill that in on the  
5 record?

6 A Okay.

7 Q Do you have any reason to believe you  
8 would have been exposed to asbestos, during the time  
9 you were at Jamaica?

10 A In Jamaica, do you mean my whole time?

11 Q Yes.

12 A Yes. The same as I would have been in  
13 the other plants.

14 Q Sir, I'm going to ask you, for the  
15 purposes of the record, if you could elaborate when  
16 say the same, what exactly you mean?

17 A What -- can I read back what I told you  
18 before?

19 Q You can't read it back, but you can  
20 reiterate it.

21 A Tell me the question.

22 Q I'm asking you; how do you believe you  
23 were exposed to asbestos, while at Jamaica?

24 A Well, the piping was all covered with  
25 asbestos. I said changing gaskets, valves and

00117

1 packing. You know, that was always the same.

2 Q Okay.

3 A With everything.

4 Q Could you tell me the size of the  
5 facility at Jamaica?

6 A Do you mind if we take a break? My back  
7 is killing me.

8 Q Sure. There is just a question pending.  
9 I'm just going to ask you if you can answer that  
10 question.

11 A Okay.

12 Q The size of the facility at Jamaica, how  
13 many blocks long it was, if you can tell me?

14 A Yes. It was a very big plant. All of  
15 them were. I would say, you know, to be  
16 conservative, I will say four square blocks.

17 Q Let's take a break for a few minutes.

18 A Okay, thanks.

19 (Whereupon, a recess was held.)

20 MS. DeMARIO: Let's go back on the  
21 record.

22 Q Sir, when we left off, we were talking  
23 about your time at Jamaica. I had asked you how you  
24 believe you were exposed to asbestos. And you told  
25 me pumps, gaskets, valves and packing. We're going

00118

1 to go one by one now.

2 With respect to the piping, how do you

3 believe you were exposed to asbestos, at Jamaica?

4 MR. ROBERTS: Was it different? I've got

5 a feeling it was the same.

6 A It was the same, except different pumps.

7 Q With respect to the piping, how do you

8 believe you were exposed to asbestos?

9 (Ruling.)

10 MR. ROBERTS: Don't answer.

11 He says it was the same.

12 MS. DeMARIO: Listen, if you have an

13 objection, make your objection. I'm trying to

14 streamline it.

15 MR. ROBERTS: I understand.

16 MS. DeMARIO: If your client understands

17 the question I'm asking, let him answer it. And

18 let's move on, if you really care about the

19 interest of time here, instead of obstructing

20 and making statements every five minutes and

21 testifying for him.

22 MR. ROBERTS: No. Don't answer that

23 question.

24 He said the same way.

25 MR. DEUTSCH: Mark it for a ruling.

00119

1 MS. DeMARIO: Mark that for a ruling.

2 Q With respect to the gaskets, sir, how do  
3 you believe you were exposed to asbestos, while at  
4 Jamaica?

5 A I believe I answered that before. The  
6 answer is, really, the same.

7 Q When you say the same, what, exactly,  
8 were you doing to these gaskets?

9 MR. ROBERTS: Don't answer. The same as  
10 before, no difference.

11 MS. DeMARIO: It's not the same. He  
12 testified to different things, at different  
13 plants.

14 MR. ROBERTS: You can ask if he did  
15 anything different at this site, that's fine, if  
16 the equipment was different, that's fine, but if  
17 he did the same thing, it is absurd to ask him  
18 what he did every time at each different plant.  
19 If it was different, he can say it was  
20 different. That's fine. I have no problem. If  
21 he recalls different equipment at one place,  
22 that's fine.

23 Q Let me ask you this; the work that you  
24 did on the gaskets, at Jamaica, was that the same as  
25 at Barry Bay, the same work?

00120

1 A Repeat that for me. You finally get it

2 out and I'm asking you to repeat it. I'm sorry.

3 Q With respect to the gasket work that you

4 did at Jamaica, was that the same type of work that

5 you did at Barry Bay?

6 A Yes.

7 Q Do you know the brand name or

8 manufacturer of the old gaskets?

9 A No.

10 Q Do you know the brand name or

11 manufacturer of the new gaskets?

12 A No.

13 Q Did those gaskets look the same as they

14 did at Barry Bay? Did the old gaskets look the same

15 as the old gaskets at Barry Bay?

16 A Yes.

17 Q Did the new gaskets at Jamaica look the

18 same as the new gaskets at Barry Bay?

19 A Yes.

20 Q With respect to your packing work, sir,

21 was that the same type of work that you did on

22 packing at Jamaica as you did at Barry Bay?

23 A Yes.

24 Q Do you know the brand name or

25 manufacturer of the old packing at Jamaica?

00121

1 A No.

2 Q With respect to the new packing that you  
3 were installing at Jamaica, do you know the brand  
4 name or manufacturer of that packing?

5 A No.

6 Q Did the old packing look the same at  
7 Jamaica as it did at Barry Bay?

8 A Yes.

9 Q Did the new packing look the same at  
10 Jamaica as it did at Barry Bay?

11 A Yes.

12 You know, maybe I can help things along.  
13 I really didn't know the name of the packing at Barry  
14 Bay or Jamaica, until I got to Tall Man's Island.

15 Q Okay.

16 A And there, that was the last time I  
17 worked. And everything there is, you know, pretty --  
18 you know, much clearer.

19 Q Okay. We'll get there.

20 A Okay.

21 Q You mentioned work on valves, at Jamaica?

22 A Yes.

23 Q How do you believe you were exposed to  
24 asbestos from your work on these valves, at Jamaica?

25 A I answered that before. The packing, the



00122

1 seals, the gaskets, which I do not know the names of.

2 Q You do not know the brand name or  
3 manufacturer of the valves at Jamaica; is that  
4 correct?

5 A Well, Crane is -- yes -- I think all the  
6 plants had the Crane valves.

7 Q What did that Crane valve look like?

8 A Like this (indicating), okay, with a  
9 stem.

10 MR. ROBERTS: Describe it, for the  
11 record.

12 A What can I tell you?

13 Q Well, the court reporter can't take it  
14 down, when you do that. We want to make sure the  
15 record is clear.

16 A The Crane valve was like that,  
17 (indicating), like a lady's body.

18 Q Okay.

19 A What can I tell you? That's the way it  
20 looked to me, okay.

21 If you wanted a packing clamp it would go  
22 on the top. And that is where all the steam was.  
23 That's about all I can tell you.

24 You didn't like what I said.

25 MR. ROBERTS: But the court reporter

00123

1 can't take it down.

2 Q The court reporter can take down what you  
3 verbally say.

4 A I understand that, okay. I thought maybe  
5 I would lighten the mood.

6 They were shaped. They were not square.  
7 They had a break in there. And they extended maybe  
8 two and a half, three feet. And they had rising  
9 stem, which would break up the gaskets, I guess.

10 Q Okay. Sir, do you know what the brand  
11 name or manufacturer of the pumps were, at Jamaica?

12 A I would say Wemco pumps or Aurora pumps.  
13 I think they were used throughout the plants, you  
14 know. I'm familiar with all the plants, but I can't  
15 say, exactly, what they were there.

16 Q That's what I'm asking you; do you have a  
17 specific recollection of a Wemco or an Aurora pump,  
18 at Jamaica?

19 A Okay. I would say yes.

20 Q Sir, are you saying Wemco?

21 A Wemco.

22 Q What did those pumps look like?

23 A A centrifugal pump. That's about all,  
24 really.

25 Q Could you describe for me the size of

00124

1 them, the dimensions?

2 A They might have been about -- maybe this  
3 round (indicating), in the body, which would be about  
4 three feet or so.

5 Q About three feet wide, how high and how  
6 deep?

7 A Well, I guess maybe three feet or four  
8 feet high too.

9 Q What color were these Wemco pumps?

10 A Whatever color they wanted to paint them,  
11 black or green.

12 Q Prior to them being painted?

13 A I don't know. I have no idea.

14 Q How do you know it was Wemco pumps versus  
15 Aurora pumps?

16 A It said so on it.

17 Q Where would it say the name of the  
18 manufacturer?

19 A I don't know.

20 Q Could you spell Wemco for me?

21 A W-E-M-C-O.

22 Q Did you know the model numbers associated  
23 with the Wemco pumps?

24 A No.

25 Q If I asked ask you the RPMs or the head

00125

1 speed of the Wemco pumps, would you know that answer?

2 A I can visit the plant and tell you.

3 Q As we sit here today, you don't know that

4 answer?

5 A I think they were all within my radius

6 where I used to go to work.

7 Q Whenever I ask you questions, it is

8 always as we sit here today.

9 So, is that a no?

10 A No.

11 Q Do you remember if these Wemco pumps were

12 mounted or something else?

13 A They were mounted, usually, on concrete.

14 Q Can you describe for me the size of the

15 Aurora pumps?

16 A Not really. I don't know if they are the

17 same size or not. I'm not sure.

18 Q Would the Aurora pumps look similar to

19 the Wemco pumps?

20 A Could be. I would say yes, but then

21 again, I could be wrong too. I mean, I don't -- you

22 know, I don't want to say either Wemco or Aurora and

23 maybe I'm thinking of something else, you know, but I

24 know the pumps were there.

25 Q What was the function of the Wemco pump?

00126

1 A Everything is to move sludge or water.

2 Q The Aurora pump or the Wemco pump would

3 have the same function?

4 A Basically, the same.

5 Q Okay. While at Jamaica, we spoke about

6 piping work, gaskets, packing, valves and the pumps.

7 Is there any other way you believe you may have been

8 exposed to asbestos, while at Jamaica, that we have

9 not discussed?

10 A Not that I know of.

11 Q Are there any other brand names or

12 manufacturer names that you can recall, that we have

13 not yet discussed, while at Jamaica?

14 A No.

15 Q Did you ever wear a mask or a respirator,

16 while performing any work at Jamaica?

17 A Oh, I guess I could have worn a mask, but

18 I don't know what the occasion was.

19 Q Was that something you wore regularly?

20 A No.

21 Q I think you said the final site you were

22 at, which was the most recent one, was Tall Man's

23 Island?

24 A That's correct.

25 Q Can you describe for me the size of it?

00127

1 A It was a little smaller. It was right by

2 the -- I guess it's the East River. Yes.

3 Q Okay.

4 A College Point Boulevard, I guess.

5 Q Sir, I don't think I asked you, when we  
6 were talking about Barry Bay, where that was located.

7 A That was located at the end of Steinway  
8 Street.

9 Q Steinway Street.

10 Now, my memory serves me correctly, I  
11 believe you said that when you were at Tall Man's  
12 Island, your title actually changed; is that correct?

13 A Senior sewage worker, a supervisor.

14 Q Did your duties differ at all at Tall  
15 Man's Island?

16 A Excuse me?

17 Q Did your duties differ, as a senior  
18 sewage treatment worker versus a sewage worker, at  
19 other sites?

20 A I don't understand.

21 Q What I'm asking is; were your duties  
22 different at Tall Man's Island than at the other  
23 sites?

24 A Oh. The difference at Tall Man's Island  
25 was that I gave orders. Whereas, at the other sites,

00128

1 I had to take orders.

2 Q Did you do any hands-on work at Tall

3 Man's Island?

4 A Yes, quite a bit.

5 Q Would you be able to quantify for me how

6 much time was spent actually doing hands-on work

7 versus giving orders at Tall Man's Island?

8 A Usually, I would give the men a job to

9 do. If they didn't know what to do, they would tell

10 me.

11 Q Okay.

12 A You know, I was new. They were testing

13 me. I was testing them.

14 Q Could you quantify for me how much time

15 you spent giving orders?

16 A Usually, the men knew their job pretty

17 well.

18 Q Okay. Now, since you were giving the

19 orders, do you recall your colleagues that were

20 working beneath you, at that time, at Tall Man's

21 Island?

22 A At Tall Man's Island, yeah. There was

23 Tom Vedrin, Louie Goam, Warren Wood, and Rudy Swan.

24 The last two I know have passed away.

25 Q You said Tom was the first one, he's

00129

1 living?

2 A Who?

3 Q Did you say Tom Vedrin?

4 A Oh, yes. I believe he's alive. He

5 should be.

6 Q Do you know where he lives?

7 A I think he's in Long Island, but I don't

8 know where.

9 Q What about Lou?

10 A Lou lives in -- I can't think where in

11 Nassau County. I don't know if he is alive. He had

12 a problem. He had to retire.

13 Q And the last two are deceased?

14 A Yes.

15 Q When you were the senior sewage treatment

16 worker, was there someone that you reported to, when

17 you were there?

18 A I reported -- yeah; Richie Neibergall was

19 my boss, a good part of the time.

20 Q Do you have any reason to believe you

21 would have been exposed to asbestos, while you were

22 working at Tall Man's Island?

23 A Oh, yes.

24 Q How so?

25 A Well, working on the pumps, the gaskets,



00130

1 like I said before, but I know all the equipment

2 because I was there.

3 Q Okay.

4 A That was my last time.

5 Q Let's start with the pumps. Do you know

6 the brand name or manufacturer of the pumps at Tall

7 Man's Island?

8 A Yeah. The main sewage pumps were

9 Worthington.

10 MS. DeMARIO: Will you please read that

11 back? I couldn't hear it.

12 (Whereupon, the requested testimony was

13 read back.)

14 Q Okay.

15 A Then you had the Wemco, the Aurora. That

16 was there also. And they had the Marlows, which are

17 thicker pumps. There was a centrifugal -- there was

18 a screw pump, a Marlow, in the digester. And one of

19 the pumps in the digester was a Haywood Gordon. That

20 was a centrifugal pump, I believe, also. Actually, I

21 don't know if there was any more that I can think of.

22 Q The Wemco and Aurora pumps at Tall Man's

23 Island looked the same as the description you gave me

24 previously?

25 A They were at Tall Man's Island, yes.

00131

1 What I'm saying, at Tall Man's Island, what I am  
2 describing was at Jamaica. It would all be the same.

3 Q Okay.

4 A It was the same thing.

5 Q Okay. You previously testified to the  
6 description of the Aurora and the Wemco pump. What  
7 I'm asking you --

8 A Yes, I said I believe they were at the  
9 other plant, but I know they were at this plant.

10 Q What I'm asking is; did they look the  
11 same at that plant as they did at the other plant?

12 A Yes.

13 Q What did the Worthington pumps look like?

14 A The what?

15 Q The Worthington.

16 A Worthington?

17 Q Yes.

18 A They were a huge pump.

19 Q What do you mean by huge?

20 A What I did, I had to go down there and  
21 inspect them, make sure everything was right, but I  
22 can't describe the Worthington pumps because I didn't  
23 have much to do down there, myself, but there was the  
24 boiler, where I had to send the men to go clean it.  
25 They had to, you know, do maintenance work on it,

00132

1 periodically.

2 Q Is there any description that you can  
3 give me for the Worthington pumps?

4 A Not really. Just, they were massive  
5 pumps, I know.

6 Q You mentioned the Marlow pumps being  
7 thicker; is that correct?

8 A They were thicker pumps. They were  
9 piston pumps. They had three pistons, covered  
10 gaskets, packing.

11 Q Can you describe the dimensions of the  
12 Marlow pump?

13 A The Marlow pump, maybe as long as the  
14 table here. I don't know. Okay, maybe six, eight  
15 feet.

16 Q Six to eight feet?

17 A I really can't be exact.

18 Q How high were they?

19 A How high, well, the pistons and  
20 everything, they were probably around five or six  
21 feet. Then they had the motors on them, which I  
22 can't recall what the motors were.

23 Q You say you can't recall the brand name  
24 or the manufacturer of the motors?

25 A I know I -- I think -- I know that I did

00133

1 see Westinghouse induction motors down there. I

2 don't know what was associated with that pump,

3 though.

4 Q You said Westinghouse --

5 A Induction motors. You know, that would

6 drive the pump. I don't know if it was that

7 particular pump, though.

8 Q Do you remember the model number of the

9 Marlow pumps?

10 A No.

11 Q Was that pump mounted or free standing?

12 A Well, that's what makes them high, I

13 guess. They put them on concrete blocks, which are

14 maybe a foot and a half off the ground, but, I mean,

15 that would make the pump that high. I mean, when you

16 are working on the pump, that's how it appears.

17 Q You mentioned Westinghouse induction

18 motors. You said you didn't know if that was on the

19 Marlow pump; is that right?

20 A Yes. I don't know. There was one on the

21 digester. And I think that was a Haywood Gordon

22 induction motor on there. I think that was the same

23 motor. I never, really, took note of where all the

24 pumps were.

25 Q All right. Let's talk about the Haywood

00134

1 pump.

2 A The what?

3 Q The Haywood pump. What did that look  
4 like?

5 A It was a centrifugal pump. And I can't  
6 tell you the size of it. I couldn't guess.

7 Q Do -- would you know anything about the  
8 model number of this particular pump?

9 A No.

10 Q And that's the pump you think the  
11 Westinghouse induction motor was on?

12 A Oh, yeah. I believe that was a Haywood  
13 Gordon.

14 Q Okay. Can you describe to me what that  
15 Westinghouse motor looked like?

16 A I would say it was maybe two foot, maybe  
17 -- I don't know another two -- you know, two foot by  
18 -- maybe two and a half feet by two feet. I think it  
19 was longer.

20 Q How do you know it was a Westinghouse  
21 motor?

22 A It says so on it.

23 Q It said the word Westinghouse?

24 A Westinghouse Induction Motor, yeah.

25 Q Did it have any logos?

00135

1 A What?

2 Q Did it have any logos or distinguishing

3 pictures on the motor?

4 A Now, I retired in 1990. And this is

5 2007.

6 Q Okay. What was the function of the

7 Westinghouse induction motor?

8 A To drive the pump.

9 Q And you said the Haywood pump was in the

10 digester?

11 A Yes.

12 Q What was the function of the digester?

13 A I told you before. The same as before,

14 it collects the sludge to be transported out to sea.

15 Q You mentioned gasket work. How do you

16 believe you were exposed to asbestos from gasket

17 work, at Tall Man's Island?

18 A The same as I told you previously.

19 Q Do you know the brand name or

20 manufacturer name of any of the gaskets --

21 A No.

22 Q -- at Tall Man's Island?

23 MR. ROBERTS: Let her finish her

24 question.

25 A No, I don't.

00136

1 Q You said the same before, would you,  
2 again, be removing old gaskets and installing new  
3 ones?

4 A Yes.

5 Q Do you know the brand name or  
6 manufacturer of the old gaskets that you were  
7 removing at Tall Man's Island?

8 A I would say the same, but I could be  
9 wrong.

10 Q What about the new gaskets? Do you know  
11 the brand name or manufacturer of the new gaskets?

12 A Yes.

13 Q Okay.

14 A U.S. Rubber, Dana, Garlock, Arkin,  
15 Anchor, Goodyear. I believe that's pretty much it.

16 MS. DeMARIO: Would you read that back,  
17 please?

18 (Requested testimony read back.)

19 Q Can you describe for me the U.S. Rubber  
20 gaskets?

21 A Not really.

22 Q Was they preformed?

23 A I really can't say.

24 Q What about the Arkin gaskets?

25 A Arkin gaskets, I don't know.

00137

1 Q What about the Anchor gaskets?

2 A Well, I would say, you know, they were  
3 all with the holes and everything.

4 What happened was I worked with these  
5 gaskets. And I called up my plant there, to find out  
6 what gaskets I was working with, because I knew it  
7 was important. I gave them the names. And the tool  
8 room guy said these are the names that he had. And  
9 he gave me Arkin. And I said are these the same  
10 gaskets that I was using, when I was at the plant.  
11 He says yes. He was there. That guy's name was Jay  
12 Novargo.

13 Q Can you spell that?

14 A N-O-V-A-R-G-O.

15 Q When did you last speak to Jay Novargo?

16 A When I was thinking about these gaskets,  
17 just last week.

18 Q And is he still working at that plant?

19 A Yes.

20 Q And that's Tall Man's Island?

21 A Yes, at Tall Man's Island, in the tool  
22 room.

23 Q Have you gone back to the plant, since  
24 you retired?

25 A Not at all. The last time I went down to



00138

1 the plant was shortly after I retired.

2 Q Okay.

3 A But they didn't even know me, the people

4 that were there. It was useless going there.

5 Q I want to make sure I have this correct.

6 When you called Jay Novargo last week, these were the

7 gasket manufacturers that he gave you?

8 A Yeah. I asked him. I said what gaskets

9 do we use on the pumps every day. And he said, you

10 know, these are the names I have. I said these are

11 the names that I have here. And he said, you know,

12 what names do you have. And I told him Garlock

13 because I had the list. And he said, yes, we still

14 have that here -- Anchor. And he gave me the other

15 names too.

16 Q Let me ask you; what names did you

17 already have, when you called him up?

18 A What names?

19 Q Yes. What names did you know in your

20 mind for the gaskets?

21 A Just Goodyear and U. S. Rubber. I

22 couldn't think of the other ones.

23 Q You had already thought to yourself about

24 the gasket manufacturers. And you came up with

25 Goodyear and U.S. Rubber. And he gave you the rest.

00139

1 of the gasket manufacturers?

2 A Oh, yeah. And I inquired if they were  
3 the ones that were there when I was working. And he  
4 said yes, we had them all these years.

5 Q Okay. In your mind, do you associate a  
6 specific gasket used on a specific pump or was it  
7 whatever was available?

8 A Whatever the pump was. I mean, they  
9 would have that information and give us the  
10 information or the equipment that we would want.

11 Q As you sit here today, though, do you  
12 have a specific recollection, let's say of the  
13 Goodyear gasket, what pump that was used on?

14 A No.

15 Q Do you know what those gaskets were made  
16 of?

17 A I think asbestos. I don't know for sure,  
18 but I believe they were asbestos.

19 Q Why do you think they were made of  
20 asbestos?

21 A Well, they are durable. And the packing  
22 ones had graphite on them, which made it, you know,  
23 you could put it in, you know, insert it in packing  
24 gland, where they belonged.

25 MR. DEUTSCH: Will you please read that

00140

1 back?

2 (Whereupon, the requested testimony was

3 read back.)

4 Q Sir, going back to the pumps for a

5 second, do you know if the pumps were hot or at what

6 temperature they operated at?

7 A The main sewage pumps?

8 Q Yes.

9 A Well, the pipes were hot, but it was

10 dragging in all cold water, actually.

11 Q Now, I think you told me the main sewage

12 pumps were Worthington, but there were other pumps.

13 Do you know the temperature the other pumps operated

14 at?

15 A No. The ones I told you, the Marlow and

16 so on, they would just push the sludge all around. I

17 don't know what temperature they operated at. My

18 whole thing was that they were operating. You know,

19 in they were clogged, we had to stop clean them.

20 They usually would get hot, when they were clogged.

21 Well, the digesters were hot, warm, because they made

22 gas and everything. So, they made the pumps run warm

23 anyway.

24 Q Okay. Would you obtain these gaskets in

25 the same way you obtained the other material, from



00141

1 the tool room?

2 A The tool room, right.

3 Q Sir, would you know the difference  
4 between a rubber gasket and an asbestos gasket?

5 A Oh, yeah.

6 Q Would you know by just looking at it?

7 A Rubber gaskets -- yeah. One is very  
8 rigid and the other one is soft.

9 Q Did you use both the rigid and the soft  
10 gaskets?

11 A Yes, whatever the pump called for.

12 Q Did certain pumps call for the rigid  
13 gaskets or the soft gaskets?

14 A Well, usually, when you had to take the  
15 impeller out, that was a big gasket. And that called  
16 for the soft gasket. That was big. If you  
17 disconnected the pipe, and it was small, they can  
18 make it with the rigid gasket. Usually, they would  
19 use that.

20 Q If we went through all of the gaskets  
21 that you mentioned earlier, the names that you had  
22 already known, as well as the names that Jay gave  
23 you, would you be able to tell me any distinguishing  
24 characteristics about these gaskets?

25 A No, not today.

00142

1 MR. ROBERTS: Let her finish her

2 question.

3 THE WITNESS: Okay.

4 Q You mentioned a variety of different  
5 pumps?

6 A Yes.

7 Q How do you believe you were exposed to  
8 asbestos from working on these pumps?

9 A Well, how do I believe -- well, just the  
10 gaskets, the packing and the insulation around the  
11 pumps and the boiler and everything else.

12 You know, I'm aware, after losing my  
13 brother, it is all around.

14 Q Okay. You say the insulation around the  
15 pumps. Where was this insulation, exactly?

16 A Where was the insulation, overhead, on  
17 the water pipes there and all of that.

18 Q When you say around the pumps, do you  
19 mean on the pipes?

20 A Well, on the overhead piping, it could  
21 be.

22 Q Okay.

23 A As far as the pumps, I guess it was the  
24 gaskets and the packing.

25 Q Is there any other way in which you

00143

1 I believe you may have been exposed to asbestos at Tall

2 Man's Island, that we have not discussed?

3 A Yes.

4 Q How so?

5 A Working in boilers.

6 Q Okay. Did you, personally, work in  
7 boilers?

8 A No. I assigned men.

9 Q I'm sorry?

10 A No, men were assigned to that. The  
11 sewage treatment workers worked along with the  
12 boilers.

13 Q Okay. Did you give out those orders or  
14 did someone else give out those orders?

15 A Yes, it was common for me to give out the  
16 orders. I would give the orders of who was going to  
17 go where.

18 Q And you would distribute those orders?

19 A Yes.

20 Q What were the men doing in the boiler?

21 A Well, they removed -- it was like a  
22 circular cover. It was large. And they would --  
23 there were tubes in there. And they would take these  
24 and, you know, clean it. They would take a brush and  
25 run it through there. They had to be serviced, I

00144

1 don't know how often.

2 Q And this was at Tall Man's Island?

3 A Yes.

4 Q How many boilers were at Tall Man's  
5 Island?

6 A I don't know. The one I am referring to

7 -- I don't know. I think it was one boiler.

8 Q There is one boiler that you recall, in  
9 your mind that these men were working on?

10 A Right.

11 Q Do you know the brand name or  
12 manufacturer of that boiler?

13 A Cleaver Brooks. That one I happen to  
14 know.

15 Q Now, can you describe for me the size of  
16 this boiler?

17 A I guess, maybe the width was -- maybe  
18 six, seven feet. The height was maybe about ten  
19 feet. And the width, I would say was 15 or 20 feet  
20 high. I'm giving you a rough estimate.

21 MS. DeMARIO: Will you read that back,  
22 please?

23 (Whereupon, the requested testimony was  
24 read back.)

25 Q You said that the width was six to seven



00145

1 feet. And then you said the width was 15 to 20 feet.

2 A No. The width was six to seven feet,  
3 maybe eight feet. And the length of it was 15 to  
4 20 feet.

5 Q When you say the width, do you mean the  
6 depth of the boiler, how deep it was?

7 From left to right, how many feet was it  
8 from left to right?

9 A If this is the boiler, (indicating),  
10 right, this would be the length.

11 Q Yes.

12 A This (indicating) would be the height.  
13 And this (indicating) is the width.

14 Q Okay. What color was the boiler?

15 A I don't recall.

16 Q Okay.

17 A They painted it. I don't know.

18 Q How did you know it was a Cleaver Brooks  
19 boiler?

20 A There was a name on there.

21 Q Where was the name?

22 A I don't recall.

23 Q Do you know if the name was written on  
24 the boiler or on a plate?

25 A I don't know, now.

00146

1 Q But it said Cleaver Brooks on that

2 boiler?

3 A Yes.

4 Q Do you know if there was anything else

5 written on that boiler, aside from the name?

6 A No.

7 Q Do you know the BTUs of the boiler?

8 A Excuse me?

9 Q Do you know the BTUs of the boiler?

10 A I don't understand.

11 Q Are you familiar with the term BTU?

12 A British thermal unit.

13 Q Do you know how many BTUs of the Cleaver

14 Brooks boiler?

15 A No.

16 Q Do you know the model number of the

17 boiler?

18 A No.

19 Q Where was this particular boiler located,

20 at Tall Man's Island?

21 A Lower level.

22 Q The lower level?

23 A Yes.

24 Q Would you be able to tell me; was it in

25 the southeast corner or what side it was?

00147

1 A No. It's in the pumping building. So,  
2 the building isn't that large.

3 Q Okay.

4 A No, I couldn't tell you that.

5 Q Do you remember if the boiler had access  
6 doors?

7 A Yes, it did.

8 Q How many?

9 A Well, they have them -- when I gave the  
10 job to the fellows, they used to have to take off the  
11 flanges, which were circular, on both sides.

12 Q There were access doors on both sides?

13 A I believe there was two.

14 Q Do you know if the boiler was cast iron  
15 or steel or something else?

16 A No.

17 Q How do you believe you were exposed to  
18 asbestos from the men working on this boiler?

19 A Well, I believe -- it's like a shell on  
20 the inside. And they pack it with asbestos to keep  
21 the heat in there, but what shows on the outside is  
22 the metal. And after the fellows were cleaning it,  
23 there was always the darkish white powder and stuff  
24 on there. And I think that might have been asbestos.  
25 I don't know.

00148

1 Q What was your proximity to the men

2 working on this boiler?

3 A Excuse me?

4 Q What was your proximity to the men

5 working on this boiler?

6 A Well, I would give them the job. And I

7 would go down later on and check in on them again

8 because I had other work.

9 Q You would check in on them?

10 A I would check on them occasionally. It

11 was my job to make the rounds and make sure people

12 were working.

13 Q And when you would check in on them, how

14 close or far were you standing from the men

15 performing this work?

16 A Well, I would go up and talk to them, ask

17 them how everything was doing, how much longer they

18 were going to be. And, basically that would be it.

19 Q How long would you be there, while they

20 were performing this work?

21 A Oh, I don't know. I never timed it.

22 Q Would it be just minutes?

23 A You mean how long was I there?

24 Q When you were checking in on them, would

25 you be there a few minutes?

00149

1 A Well, I wouldn't leave after minutes, no.

2 I mean, I would talk to them. I would say maybe

3 20 minutes or so. And then I would come back.

4 Q If I understand correctly, you said the

5 outside was a shell. And there was asbestos

6 underneath the shell?

7 A I believe there was asbestos in there,

8 the packing around the boiler.

9 Q Did you see this asbestos?

10 A Just looking in there, I would believe

11 that's where it is.

12 Q You would be looking inside the boiler?

13 A Oh, no. When I gave out the job, it was

14 visible.

15 Q What color was this asbestos?

16 A I don't remember whether it was dark or

17 what. I don't know.

18 Q Is it your testimony, just from being

19 present when they were performing work there, that

20 you were exposed to asbestos from this Cleaver Brooks

21 boiler?

22 A Yeah, I would say so.

23 Q Now, you say you never did work on --

24 A There was piping down there also. You

25 know, which is the same thing as at the other plants.

00150

1 Q Would I be correct in saying that you  
2 actually didn't do any work on this Cleaver boiler;  
3 is that correct?

4 A No.

5 Q Aside from the work that we spoke about  
6 that you did on the pumps, as well as the piping that  
7 was present and the work that was done on the Cleaver  
8 Brooks boiler, at Tall Man's Island, is there any  
9 other way that you believe you may have been exposed  
10 to asbestos, while at Tall Man's Island?

11 A Well, we had compressors down there. Joy  
12 and Dresser comes to mind. They were air compressors  
13 which had to be used. I don't know, everything was  
14 blowing around down there. I don't know what was in  
15 the air.

16 Q I think you just said Joy and Dresser?

17 A Yes. They were the air compressors at  
18 Tall Man's Island.

19 Q Did you ever do work on the air  
20 compressor?

21 A No. I worked around it.

22 Q Okay.

23 MR. ROBERTS: Do you want to take a  
24 break?

25 THE WITNESS: Thank you. Yes.

00151

1 (Whereupon, a recess was held.)

2 MS. DeMARIO: Let's go back on the  
3 record.

4 Q Sir, when we left off, we were talking  
5 about your time at Tall Man's Island.

6 A Yes.

7 Q I want to ask you a few more questions.  
8 With respect to that Cleaver Brooks boiler, did you  
9 ever see any invoices or diagrams for that Cleaver  
10 Brooks boiler?

11 A No.

12 Q How do you know what was inside the  
13 Cleaver Brooks boiler was asbestos?

14 A Because I had to take the cover off. And  
15 I'd seen that operation done before. And it was my  
16 time to give somebody the job.

17 Q So, it was based on your general  
18 knowledge?

19 A Was it based on my general knowledge --  
20 well, the fellows worked there before me. And they  
21 worked on it -- yeah, it was just based on my  
22 knowledge.

23 Q No one told you that there was asbestos  
24 in that Cleaver boiler; is that correct?

25 A Nobody told me. I didn't have to be

00152

1 told. All the boilers are wrapped with asbestos in

2 the Navy Yard.

3 Q So, it is based on your knowledge --

4 A Yes.

5 Q -- that you believed that that was

6 asbestos; is that correct?

7 A That's correct.

8 Q Sir, we've been talking a lot about pumps

9 and gaskets. And I want to know, specifically, where

10 was the gasket located?

11 A Where was the gasket located?

12 Q Yes.

13 A Well, it's not a door, it's just like a

14 little cover, so if you have to unbolt it and take it

15 out. And the gasket is holding it in between there,

16 to seal it.

17 Q Sir, I want to know where the gaskets

18 were on the pumps.

19 A Oh, I'm sorry.

20 The gaskets on the pumps?

21 Q Yes.

22 A At the flanges.

23 Q And is that, actually, on the pump?

24 A Yeah. You've got the pump. And you've

25 got the flanges coming out on both sides, which have



00153

1 to attach the pipes. And that is where the gaskets

2 are.

3 Q So, is there one gasket on each side?

4 A Yes, one gasket on each side of the pump,

5 yes.

6 Q Okay.

7 A The inlet and the outlet.

8 Q If I asked you the diameter of the inlet

9 or the outlet on the pump, would you know?

10 A No.

11 Q What, if anything, did you have to do to

12 get at that gasket, while working on the pump?

13 A Well, there is bolts in each hole. And

14 there is a series of eight, ten holes. And you have

15 to loosen the nuts holding them. And you take it

16 apart and take out the gaskets and you replace it or

17 do whatever you had to do on the pump.

18 Q And when you installed a new gasket,

19 would you then bolt it back up afterwards?

20 A Oh, yeah.

21 Q Sir, have we now discussed all of the

22 ways that you believe you may have been exposed to

23 asbestos, at Tall Man's Island?

24 A Yes.

25 Q Have we now discussed all of the

00154

1 different brand names or manufacturers, while at Tall

2 Man's Island?

3 A Yes.

4 There was chlorine pumps there, but I

5 don't know the names.

6 Q And have we now discussed all of the

7 equipment and products you may have worked on, while

8 at Tall Man's Island?

9 A I believe I covered them pretty well.

10 Q Okay. Is it a fair statement to say that

11 we have now discussed all the ways, throughout your

12 lifetime, that you believe you may have been exposed

13 to asbestos?

14 A I believe so.

15 Q And have now we discussed all the

16 different brand names or manufacturers, throughout

17 your lifetime, that you can recall, that you believe

18 may have exposed you to asbestos?

19 A Well, there could be more, but I would

20 say yes.

21 Q As you sit here today, have you told me

22 everything that you can recall?

23 A Yes.

24 Q Sir, we are going to change gears a

25 little bit. And I would like to ask you; I think

00155

1 earlier you told me that you retired in --

2 A 1990.

3 Q And was that a voluntary retirement?

4 A Yes.

5 Q Do you receive any sort of pension?

6 A Yes.

7 Q What amount is that?

8 A Well, it started off, I think at 25. And

9 I think it's up to 28 now, with incentives.

10 Q When you say 28?

11 A \$28,000 a year.

12 Q Sir, have you ever been part of a union?

13 A Yes.

14 Q What union?

15 A D.C. 37.

16 Q What year did you join D.C. 37?

17 A Since I was in the plant, and until I

18 left, all those years.

19 Q Would that be --

20 A I worked there 28 or 29 years.

21 Q Okay. The entire time you were at the

22 sewage plant?

23 A Right.

24 Q Where is that local out of?

25 A Local is in New York City. I'm trying to

00156

1 think where. I can't. It's in the City Hall area.

2 Q Have you ever held any position, aside  
3 from member of the union?

4 A I was a shop steward, when I was over at  
5 Jamaica, for a couple of years.

6 Q Do you remember during what time period?

7 A No.

8 Q So, it was some time during those ten  
9 years that we discussed earlier, that you were there?

10 A Yes, in the latter ten years, I would  
11 say.

12 Q While you were a member of this union,  
13 did you attend any meetings?

14 A I tried to attend meetings, but it was  
15 difficult travelling from Long Island to there. So,  
16 I only attended a few.

17 Q How often did they hold those meetings,  
18 if you recall?

19 A Well, as a shop steward, I tried to  
20 attend. I was taking my job serious. And I attended  
21 quite frequently for those two years. And after  
22 that, I didn't go to any meetings.

23 Q When they held those meetings, was that  
24 like once a month?

25 A I don't know how often they held them. I

00157

1 I think it would be once a month.

2 Q Okay.

3 A That way, I didn't have to pay the dues.

4 Q Sir, was the subject of asbestos ever

5 discussed at these meetings?

6 A No.

7 Q Did you receive publications from the

8 union?

9 A Yes.

10 Q Do you ever recall that the subject of

11 asbestos was within those publications?

12 A There might have been an article, but I

13 don't recall when.

14 Q Okay. Sir, have you ever been treated

15 for any alcohol-related illness?

16 A No.

17 Q Sir, are you a smoker or have you ever

18 been?

19 A No.

20 Q Sir, I want to talk about your health

21 now. Sir, have you ever been diagnosed with

22 mesothelioma?

23 A Yes.

24 Q When was that?

25 A Sometime in May.

00158

1 Q 2007?

2 A Yes.

3 Q By what doctor?

4 A Dr. Tiniti. I think his first name is

5 Pasquale. I'm not sure.

6 Q Let's put that aside for a few minutes.

7 And I want you to go way back. And I want to know if

8 you can remember from the time you were a child up

9 until your present diagnosis, if you were ever

10 treated for anything besides the common cold or flu?

11 A I had an infection in my arm, when I was

12 18 years old or so. That's about all. I've never

13 been in the hospital. I've been very healthy.

14 Q You've never been hospitalized?

15 A Not really.

16 Q Any surgical procedures?

17 A One, which I refuse to mention. I was

18 circumcised. If you don't want to hear it, don't ask

19 and I won't answer.

20 Q That's enough.

21 A You gave me that look like you don't want

22 to hear that.

23 Do you want to know how old I was?

24 Q No.

25 Aside from that one procedure, was there

00159

1 any other time --

2 A No.

3 Q That you were hospitalized?

4 A I'm sorry, yes.

5 Q Barring your present diagnosis.

6 A Yes. In 2006, October 5, I had a hip  
7 replacement.

8 Q What doctor treated you?

9 A Dr. DeMaio.

10 It was over at Winthrop Hospital.

11 Q How long were you hospitalized for that?

12 A I was hospitalized a week. And I went to  
13 rehab for, I think, another week.

14 Q Where did you do your rehab?

15 A Glen Cove. I forget the name of the  
16 hospital in Glen Cove.

17 Q Did you fully recover --

18 A Yes.

19 Q -- from your hip replacement?

20 A Yes.

21 MR. ROBERTS: Let her finish the  
22 question.

23 THE WITNESS: Yes.

24 Q Sir, aside from your hip replacement, was  
25 there any other time where you had rehab?





00160

1 A No.

2 Q Or a surgical procedure?

3 A No. It's going along very well.

4 Q Okay. And that was in October of '06

5 that you had that hip replacement done?

6 A Excuse me?

7 Q That was in October of '06 that you had

8 that hip replacement?

9 A Yes, October 5th.

10 Q Prior to that time, were you in good health?

11 A Yes, very good health.

12 Q Did there come a time when your health

13 began to change?

14 A Well, I didn't consider the hip, the

15 total hip, because I recovered very well with it.

16 Q Okay.

17 A I said to myself, I'm not going to run

18 any more because that's what they think caused it.

19 But everything happened in April of this

20 year.

21 Q April 2007?

22 A Yes. The weather was cold. And my car

23 didn't start.

24 I can't control my emotions.

25 Q That's okay.

00161

1 A I just can't -- I'm embarrassed.

2 MS. DeMARIO: Let's take a break.

3 (Whereupon, a recess was held.)

4 MS. DeMARIO: Let's go back on the

5 record.

6 A My car didn't start. And I said let me

7 take the battery out. It was cold. And I took the

8 battery out and put it in the garage. I went into

9 the house and I told my wife, I'm a little short of

10 breath. So, I was thinking, I thought it was

11 bronchitis. I said I think I'll make an appointment

12 and go to the doctor. I called my doctor. She

13 wasn't in. I went in for an emergency visit. And I

14 saw a doctor by the name of Margo -- Margoviolie. I

15 only saw that doctor on occasion. He checked me with

16 the stethoscope. And he said I think you have

17 bronchitis. And he gave me an antibiotic. I found

18 out it was supposed to be one of the most powerful

19 ones. And he said take it for ten days. And come

20 back and see me again, if you are not feeling well.

21 After three or four days I found that my

22 doctor was back. And I said I'm not feeling well. I

23 just would get short of breath.

24 Q I'm just going to interrupt you for one

25 second. Who is your primary doctor?

00162

1 A Dr. Jacob.

2 Q And is she associated with a particular  
3 hospital?

4 A No.

5 Q Just what you remember is fine.

6 A Did you say was -- she was associated with a  
7 hospital?

8 Q Yes.

9 A No. Dr. Jacob, she just had a baby. And  
10 she was taking maternity leave for her baby, not for  
11 her baby, for the parent to take.

12 Q Is she in Nassau County?

13 A Yes. She's in the HIP Center, in  
14 Hicksville.

15 Q How long has she been your primary  
16 doctor?

17 A I think four or five years.

18 Q She was not in, so you saw a different  
19 doctor?

20 A Yes.

21 Q Is that doctor associated with her?

22 A I wanted her to take care of what I  
23 thought was bronchitis.

24 Q Is that doctor associated with her?

25 A Yes, at the Hicksville Center.

00163

1 Q Okay.

2 A I saw Dr. Jacob. And Dr. Jacob ordered  
3 an x-ray. And they took the x-ray. And they held me  
4 over. And they said you have water in your lung.

5 Q Where did you take the x-ray?

6 A It was sometime in April. It was the end  
7 of April.

8 Q Was it at Dr. Jacob's office or in the  
9 hospital?

10 A No, at the HIP Center.

11 Q Okay.

12 A Where all the HIP members go. They have  
13 an x-ray there. And she says, did you ever have  
14 anything to do with asbestos. And I said yeah. And  
15 she sent me over to a pulmonary specialist, a Dr. Ian  
16 Newmark. He was over in Glen Cove -- not Glen Cove.  
17 I'm sorry. He was over across the street from  
18 Syosset Hospital. I forget the name of the street.

19 Q Okay.

20 A And he saw me. And he took an x-ray.  
21 And says you have to go over to Syosset Hospital  
22 tomorrow. I'll meet you there at 1:00. They were  
23 going to drain the fluid from my back.

24 Q Okay. Sir, take your time.

25 A It is hard for me.

00164

1 Q Take your time.

2 A I'm like a baby.

3 MR. ROBERTS: We'll go 15 more minutes

4 and then we'll stop.

5 A So, they took a liter and a half of fluid

6 out of my back.

7 Q Okay.

8 A And he told me -- I went to see him again

9 for another x-ray. He said there is fluid in there.

10 Q He took a second x-ray?

11 A He said you have to have surgery.

12 Q How long, from the time he drained the

13 fluid to the next x-ray?

14 A It was the same week. I think I saw him

15 on a Tuesday. He drained it. And he wanted to see

16 me Friday. And I think I went there Friday or maybe

17 Monday, the day after.

18 Q Okay.

19 A And he said you are going to have to see

20 Dr. Tiniti. I said who is Dr. Tiniti. He said he's

21 a surgeon.

22 Q Okay.

23 A I said and what is he going to do. And

24 he said he's going to go inside and drain out the

25 pockets of water, the fluid.

00165

1 Q Where is he located?

2 A He's right across the street from him, in  
3 Syosset.

4 Q Okay.

5 A Jericho Turnpike. I think he's at 175.

6 Dr. Tiniti explained what was going to  
7 happen. They got me in the hospital. I think it was  
8 right after income tax day. I remember that. I  
9 don't know, the 15th or 16th.

10 Q What hospital?

11 A Mt. Sinai, in Pineview -- in Plainview.  
12 I'm sorry.

13 Q Okay.

14 A And he performed the surgery.

15 Q How long did that surgery last?

16 A I went in there I think Monday. And I  
17 left on Tuesday, the next week.

18 Q Okay.

19 A He told me -- they sent it for a biopsy.

20 And he told me that I was diagnosed with  
21 mesothelioma. So, he referred me to a Dr. Krug --  
22 not Krug, Dr. Vincent Goro. He's over at the  
23 Montefiore Surgery Center, in Lake Success, the  
24 cancer place. I went to see him.

25 Q That was in Nassau County?

00166

1 A Nassau County.

2 And I went to see him. And he said I

3 would have to go with chemo. And I asked him about a

4 second opinion. And he said by all means.

5 Q Do you remember what month this was now

6 that we're talking about?

7 A Excuse me?

8 Q Do you know what month this was that we

9 are talking about?

10 A Month?

11 Q What month?

12 A What month -- it would have to be in May.

13 Q Okay. You asked him if you should go for

14 a second opinion?

15 A Yeah. I had another appointment. I

16 think it was May 15th. And I said that's a pretty

17 long time, but they told me that I had to recuperate.

18 Q Okay.

19 A But I hesitated. I wanted a second

20 opinion. Everybody was telling me to get a second

21 opinion. I made an appointment with Dr. Krug, over

22 at Sloan. I have not seen him yet.

23 Q Okay.

24 A I have to see him the 18th of June. I

25 have an appointment. I don't know if I will keep it.

00167

1 I may start treatment anyway.

2 Q Is that Sloan in Manhattan?

3 A Yes.

4 Q What doctor was it that suggested  
5 chemotherapy?

6 A Dr. Vincent Goro.

7 Q Do you anticipate starting chemotherapy?

8 A Yes. I tried to start it this week, but,  
9 like everything else, he goes on vacation.

10 Q Do you know how long the chemotherapy is  
11 going to last for?

12 A I think I heard from 24 weeks or  
13 something. I don't know.

14 Q For 24 weeks.

15 A I don't know. It is all new to me.

16 Q Do you know when you will be starting it?

17 A I don't know what is going to happen. I  
18 don't know anything.

19 Q Okay. Have you been taking any  
20 medication?

21 A No. With that, I'm fortunate.

22 Q Have you been back to see Dr. Jacob?

23 A No. She's not back yet. She comes back  
24 in July, the first week in July, I think.

25 Q Okay.



00168

1 A And I've been seeing other doctors for  
2 problems. I don't know if you want their names.

3 Q Sure, any doctor that you can remember  
4 that you saw.

5 A I had a to get a referral because that's  
6 the way my HIP Center works. I went to see a doctor  
7 by the name of Anidu.

8 Q What was that?

9 A Anidu, A-N-I-D-U. She was a  
10 recommendation from Dr. Jacob. I called up to make  
11 another appointment with her. And they were not  
12 taking any new patients.

13 So, I had to see another doctor, Dr.

14 Methur. That was for another referral.

15 And then I went to see Dr. Goodman  
16 recently. That was for a CT scan or a PT scan, all  
17 that business -- a CT scan.

18 Q The first doctor, Dr. Anidu, did you  
19 actually go to see Dr. Anidu?

20 A Yes. I went in and I saw her. She  
21 examined me and wrote the referral out.

22 Q Where is she located?

23 A At the Hicksville Center.

24 Q Okay. I believe you said Dr. Metha was  
25 also at that center?

00169

1 A Yes, and Dr. Goodman.

2 Q What did Dr. Metha do, just give you a  
3 referral and an examination?

4 A Just a referral, examined me, wished me  
5 luck.

6 Q What about Dr. Goodman?

7 A The same thing.

8 Q Okay. Is that the doctor that had you do  
9 a CT scan and a PT scan?

10 A Yes. She had to write the referral.

11 Q Whenever you undertake x-rays, CT scans,  
12 PT scans, it's all at the Hicksville Center?

13 A No, CT scan and PT scans, it's at -- I  
14 can't pronounce the name. It's at Zwenger Pezari, or  
15 something like that.

16 Q Where is that located?

17 A Well, there is one in Plainview. And  
18 there is one in Hicksville, Massapequa, which is the  
19 one I use. I use both of them actually. I didn't  
20 know about the other one until I had the PT scan.  
21 And they did that in Hicksville.

22 Q Okay. When did you take these CT scans  
23 and PT scans?

24 A I guess a couple of weeks ago.

25 Q Okay.

00170

1 A Not long ago.

2 Q Did anyone discuss with you the results  
3 of that PT scan and CT scan?

4 A Well, I got the pathology report. And  
5 just the other day, Dr. Vincent Goro called me. And  
6 he had not received it yet. He said he was going to  
7 -- I thought they would send it to him right away.  
8 And he said no. I told him I would drive over and  
9 bring it, but he said no, that they could fax it  
10 over.

11 Q Okay.

12 A Right.

13 Q Are there any other doctors that you can  
14 recall that you visited with?

15 A No. Well, the doctor that come over in  
16 the hospital.

17 Q In your Interrogatories, there is a Dr.  
18 Gregario. Do you remember treating with that doctor?

19 A His name -- will you repeat that?

20 Q In your Interrogatories dated March of  
21 2007, it says you treated with a Dr. Gregario. Do  
22 you remember treating with that doctor?

23 A Gregario or something like that, I only  
24 saw him for that very short time. I went in there at  
25 5:00 that day. And I got out at 5:30, with a

00171

1 prescription for antibiotics.

2 Q Was that the doctor that you saw when you  
3 thought you had bronchitis?

4 A Yes, that's that date.

5 Q There is also a Dr. Mondello?

6 A No. That goes way back, when I was a  
7 child.

8 Q Dr Mondello is your childhood physician?

9 A Yes. He's gone, I'm sure.

10 Q What about Dr. Gillsepie?

11 A No, I don't know that one. Oh, Dr.

12 Gillsepie, yes, that's the one when I was young.

13 Q Okay.

14 A Yeah, he's gone too. I'm sure. If not,  
15 he would have been in the paper as being the oldest  
16 guy.

17 Q Are there any other doctors that you  
18 treated with, that you can recall?

19 A No. Well, the doctor before Dr. Jacob  
20 was Dr. Goro. He was my doctor for some time.

21 Do you want all the names?

22 Q Any doctor that you can remember.

23 A Before him, I don't go back any further  
24 than that.

25 Q Dr. Lou --

00172

1 A Forester, that was the first one. Dr.

2 Derral was the second one.

3 Q Dr. Derral was where?

4 A He was associated with the HIP Center.

5 Q They were all your primary physicians?

6 A Right.

7 Q Okay.

8 A I think that covers it.

9 Q Your next appointment is on the 17th?

10 A I believe it's the 18th of June. And I  
11 have an appointment with Dr. Vincent Goro on the  
12 15th, to discuss the chemo.

13 Q Sir, I'm just going to run through a list  
14 of different things here. And you can just tell me  
15 if any doctor ever told you that you suffer from any  
16 of the following.

17 A Okay.

18 Q Has any doctor ever told you that you  
19 suffer from pneumonia?

20 A No, not that I recall.

21 Q Emphysema?

22 A No.

23 Q Aside from the few days when you thought  
24 you had bronchitis, has any doctor ever diagnosed you  
25 with bronchitis?

00173

1 A Not that I remember. Like I said, I'm  
2 very healthy.

3 Q Okay. I'm just going to run through some  
4 more.

5 Diabetes?

6 A No.

7 Q Do you have any history of any cancer,  
8 aside from your present illness?

9 A No.

10 Q Heart problems?

11 A No.

12 Q Sir, have you ever broken or fractured  
13 your ribs?

14 A No.

15 Q Have you ever been in a car accident?

16 A Yes, but it was nothing.

17 Q When was your accident?

18 A I don't know.

19 Q When you were a kid?

20 A Well, I was driving a '61 Comet. So, it  
21 must have been in the 60's.

22 Q In the '60s or the '50s?

23 A No, in the '60s.

24 Q What was the extent of your injuries?

25 A How could I have a '61 Comet in the '50s?

00174

1 Q I'm sorry.

2 A You had me thinking for a while.

3 Yes, I would say it was '62, '63.

4 Q What was the extent of your injuries?

5 A Not much, bad back, aches, but that's

6 about all. I was back in no time.

7 Q Did you suffer any permanent effects,

8 from the accident?

9 A No, none whatsoever.

10 Q Has any doctor ever diagnosed you with

11 chronic obstruction pulmonary disease or COPD?

12 A No, nothing, the only doctors that

13 prescribed anything was the last ones I mentioned.

14 Q Okay.

15 A I was out jogging, enjoying myself.

16 Q Sir, when you were in the service, did

17 you ever receive a polio vaccination?

18 A I don't know. I could have.

19 Q You mentioned jogging. Is that something

20 you normally used to do?

21 A I used to love it.

22 Q I didn't hear you.

23 A Yes.

24 Q How often would you go jogging?

25 A Maybe three or four times a week.

00175

1 Q Were there any other hobbies or  
2 activities that you used to participate in?

3 A Golf.

4 Q How often would you golf?

5 A Once a week, maybe twice a week, on  
6 occasion, you know.

7 Q When was the last time that you went  
8 jogging?

9 A Jogging, the last time, right after --  
10 oh, I guess, maybe August of '05.

11 Q And when was the last time you went  
12 golfing?

13 A I have not been golfing, since my hip.

14 Q Since your hip in October of 2006?

15 A Yes.

16 Q Are there any clubs or organizations that  
17 you belong to?

18 A No.

19 Q What are your present physical  
20 complaints?

21 A Shortness of breath. It's very  
22 embarrassing. The wife is doing something and you  
23 try to do it and you can't.

24 Q When was the first time you began  
25 experiencing your shortness of breath?



00176

1 A When I moved the car battery, in April.

2 Q Sir, how much time lapsed from that date  
3 when you were trying to change the car battery that  
4 we just spoke about until the time you actually saw  
5 the doctor?

6 A The next day. It might have been the  
7 same day.

8 Q Sir, how do you pay for your medical  
9 treatment or any time you have a prescription filled?  
10 Do you have insurance?

11 A Insurance and whatever copayment I have  
12 with the insurance.

13 Q What type of insurance do you have?

14 A I have HIP.

15 Q Do you have any out-of-pocket expenses?

16 A Just the copayment.

17 Q What are your copayment's?

18 A They range from 20, 30, \$40, I guess.

19 Q I know you said that presently you're not  
20 on medication?

21 A Right.

22 Q When you had that antibiotic, when you  
23 thought you had bronchitis --

24 A Yes.

25 Q Where did you get your prescription

00177

1 filled?

2 A CVS.

3 Q Where is that?

4 A Farmingdale.

5 Q On any particular street?

6 A Well, there are two in Farmingdale. This  
7 on is on North West Drive.

8 Q Sir, earlier you told me you receive a  
9 pension of \$28,000, annually?

10 A Yes.

11 Q Do you also receive any Social Security?

12 A Yes.

13 Q What amount?

14 A I don't know -- \$13,000, I think.

15 Q Do you have any other sources of income,  
16 aside from your pension and your Social Security?

17 A Savings.

18 Q Do you own any property, aside from your  
19 home?

20 A No.

21 Q Sir, have you ever been convicted of a  
22 criminal offense?

23 A No.

24 Q Have you ever filed a Workers'  
25 Compensation claim?

00178

1 A There might have been one time, but I  
2 don't recall how long it was or anything. I think  
3 when -- I'm not sure because I know with the accident  
4 I took some time off, but I don't know if I filed any  
5 compensation.

6 Q You don't think you ever filed a  
7 Workers' Compensation claim?

8 A I can't say for sure.

9 Q Okay. Sir, do you know when you learned  
10 about the hazards of asbestos?

11 A The hazards?

12 Q Yes, the year you learned?

13 A When my brother died, I was aware of it.

14 Q What year was that?

15 A 1987. I believe 1987.

16 Q That's fine.

17 How did you come to learn about these  
18 hazards?

19 MR. ROBERTS: He said when his brother  
20 died.

21 Q Yes. And I'm asking you how. Was it  
22 from the treatment he had been receiving or --

23 A He called me up. And he told me he was  
24 sick. And he was on vacation. And then he went to  
25 the hospital. I forget what hospital. It was in the